

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**January 22, 2002**

**2:00 p.m.**

**The Council of the City of Roanoke met in regular session on Tuesday, January 22, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members William D. Bestpitch, C. Nelson Harris, William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with a prayer by The Reverend Floyd W. Davis, Pastor, High Street Baptist Church.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.**

**PRESENTATIONS AND ACKNOWLEDGEMENTS:**

**DIRECTOR OF FINANCE-ACTS OF ACKNOWLEDGEMENT: Inasmuch as James D. Grisso, Director of Finance, will retire from his position on February 1, 2002, Mr. Harris offered the following resolution:**

**(#35708-012202) A RESOLUTION paying tribute to James D. Grisso, Director of Finance for the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.**

**(For full text of Resolution, see Resolution Book No. 65, page 355.)**

**Mr. Harris moved the adoption of Resolution No. 35708-012202. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

The Mayor presented Mr. Grisso with a ceremonial copy of the above referenced measure and commended him on his service to the City of Roanoke. He advised that other presentations would be made at a reception to be held in Mr. Grisso's honor on Tuesday, January 29, 2002.

### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request to convene in Closed Session to discuss the performance of two Council-Appointed Officers.

**MINUTES:** Minutes of the regular meeting of Council held on Monday, November 19, 2001, and recessed until Monday, November 26, 2001, were before the body.

Mr. Bestpitch moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY EMPLOYEES-COUNCIL:** A communication from Council Member C. Nelson Harris, Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of Council Member Harris to convene in a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET: A communication from the City Manager recommending approval of the following budget study calendar for the fiscal year 2002-03 budget, was before Council.**

<u><b>Date</b></u>	<u><b>Budget Preparation Activities</b></u>
<b>March 8, 2002</b>	<b>Financial Planning Session with City Council.</b>
<b>April 11, 2002</b>	<b>Recommended budget document delivered to City Council Members.</b>
<b>April 15, 2002</b>	<b>City Manager presents recommended budget to City Council.</b>
<b>April 29, 2002</b>	<b>Public hearings on recommended budget and tax rates.</b>
<b>May 9-10, 2002</b>	<b>City Council budget study work sessions.</b>
<b>May 13, 2002</b>	<b>City Council adopts General Fund, School Fund, Proprietary Fund budgets and an Update to the HUD Consolidated Plan and approves an annual appropriation ordinance.</b>

**Mr. Bestpitch moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**TAXES-REAL ESTATE VALUATION: A communication from the Director of Real Estate Valuation advising that as prescribed by law, the Office of Real Estate Valuation has completed the Annual General Reassessment Program for Fiscal Year 2002-03; "Change of Assessment Notices" were mailed to property owners on January 18, 2002; the real estate tax base increased approximately 3.3 per cent due**

to this year's annual reassessment; overall, the general reassessment program and new construction indicate growth of 5.3 per cent in the real estate tax base to July 1, 2002; and last year's growth was 5.4 per cent, was before Council.

It was further advised that individual property assessments vary widely from the City wide average of 3.3 per cent; most assessment changes will range from 3 per cent to 7 per cent, with a majority at 5 per cent, or less; if a property owner made improvements to the property during the year that increased its value, the property owner may receive an increase higher than others; and assessment appeals will be conducted from January 18 through February 15, 2002.

Mr. Bestpitch moved that the communication be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

**ZONING-HUMAN DEVELOPMENT-OATHS OF OFFICE-COMMITTEES:** The following reports of qualification were before Council:

Glenn D. Radcliffe and Pam Kestner-Chappelear as members of the Human Services Committee for terms ending June 30, 2002; and

Kermit E. Hale and Benjamin S. Motley as members of the Board of Zoning Appeals for terms ending December 31, 2004.

Mr. Bestpitch moved that the reports of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

#### **REGULAR AGENDA**

**PUBLIC HEARINGS:** None.

**PETITIONS AND COMMUNICATIONS:**

**ACTS OF ACKNOWLEDGEMENT:** Vice-Mayor Carder introduced a proposal

entitled, "Roanoke Shining Stars Recognition", which is a program designed to recognize the good deeds of citizens. He requested that the matter be referred to the City Manager for recommendation to Council.

It was the consensus of Council to refer the matter to the City Manager for report and recommendation.

**BUDGET-TAXES:** Vice-Mayor Carder introduced discussion with regard to increasing the admissions tax on a City-wide basis for non-profit arts and cultural organizations. He advised that he did not wish to cast any shadows on the City's efforts at the 2002 Session of the Virginia General Assembly to increase the admissions tax to ten per cent for civic center improvements; however, for consideration during fiscal year 2002-03 budget study, he suggested that Council engage in discussion regarding the impact of increasing the admissions tax, city wide, by an additional two to three per cent, in order to provide funding for non-profit cultural organizations that currently pay admissions taxes to the City. He inquired as to the feasibility of increasing funding within the Cultural Services Committee to return a portion of the funds to arts and cultural organizations.

Mr. White supported the referral to 2002-03 budget study; however, he requested responses to the following questions/requests for information during budget study:

In the event the City of Roanoke increases the admissions tax, would Roanoke County be receptive to an increase in the County's admissions tax?

A comparison of the City of Roanoke's admissions tax with cities of comparable size (peer group cities) in the Commonwealth of Virginia.

How much of an increase in the admissions tax would be needed to make a significant difference (i.e.: currently, the admissions tax generates approximately \$300,000.00, therefore, the tax would have to be doubled in order to generate a significant amount of funds)?

If funding for cultural service agencies is increased, how could funding also be increased for social service agencies (i.e.: through an increase in the admissions tax or another source of revenue)?

Will funds be distributed to cultural service organizations based on recommendations of the Roanoke Arts Commission?

How will additional admissions taxes be distributed (i.e.: if an

**organization collects \$17,000.00 in admissions taxes, will the agency receive \$17,000.00, or will all admissions taxes be included in a specific category for distribution? How much in admissions taxes is collected by each cultural organization?**

**Who pays the admissions tax (i.e.: percentage break down on the number of City residents, non-City residents)?**

**It was the consensus of Council to refer the matter to fiscal year 2002-03 budget study.**

#### **REPORTS OF OFFICERS:**

##### **CITY MANAGER:**

##### **BRIEFINGS:**

**WATER RESOURCES:** The City Manager advised that at the suggestion of a Council Member, while the City of Roanoke is in a water conservation mode, she would like to highlight suggestions by citizens for conserving water; hereupon, Mr. Michael Brennan presented the “water tip of the week”. He suggested that a brick be placed in the toilet tank which acts as an instant water saver.

Council Member Harris advised that the Roanoke Valley Business Council and the Roanoke Regional Chamber of Commerce recently adopted positions in support of a regional water resource authority. He stated that the concept was discussed by the previous Council approximately two years ago when the City was facing a water shortage; however, Council has not officially taken a position directing the City Manager to pursue the matter with Roanoke County and other jurisdictions, even though such discussions are currently taking place. He inquired if the City Manager believes that an official position by Council is in order with regard to ongoing discussions for a regional water resource authority.

The City Manager responded that she believes she has the unanimous support of Council to proceed with a detailed analysis of the details necessary to accomplish the creation of a water and sewer authority, and the Director of Utilities has advised that an outline will be provided of the necessary steps to be taken within 60 - 90 days. She stated that she, along with the Roanoke County Administrator, believe that they have the support of their respective governing bodies to investigate a regional water authority; she views the matter as a priority and both personally and professionally believes that it is in the community’s best interest. However, she explained that establishing a water authority will not solve the community’s long term water issues, because alternative water sources for the future will have to be explored.

**The Mayor raised the following questions for response by the City Manager:**

- **Is dredging a feasible alternative to increase water volume?**
- **Is the digging of wells a feasible alternative to increase water supply?**

**ITEMS RECOMMENDED FOR ACTION:**

**BUDGET-PARKING FACILITIES:** The City Manager submitted a communication advising that effective December 17, 2001, the City contracted with Central Parking Systems of Virginia, Inc., d/b/a Allright Roanoke Parking, Inc. (Allright) for management and operation services for the new Gainsboro Parking Garage and Gainsboro surface parking area, effective until July 31, 2002; Allright also operates and manages all other City owned and/or controlled parking facilities under a five year contract which is effective until July 31, 2002; prior to opening of the Gainsboro Parking Garage and Gainsboro surface parking area, the City's Norfolk Avenue surface parking lot was utilized by Norfolk Southern as part of an agreement in which the railroad provided a like number of spaces for use by the Roanoke Higher Education Center; now that parking will be available with the opening of the Gainsboro Parking Garage and the Gainsboro surface parking area, the Norfolk Avenue surface parking lot has been reopened to public use and will again be managed and operated for the City by Allright Roanoke Parking; and in order to provide for appropriate accounting for management and operation of the Gainsboro Parking Garage, the Gainsboro surface parking area and the Norfolk Avenue surface parking lot, revenue estimates and expense budgets need to be established as identified in an attachment to the communication.

The City Manager recommended that Council adopt an ordinance to appropriate funds and establish revenue estimates for the Gainsboro Parking Garage, the Gainsboro surface parking area and the Norfolk Avenue surface parking lot.

**Mr. Hudson offered the following emergency budget ordinance:**

**(#35709-012202) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Transportation Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 356.)**

**Mr. Hudson moved the adoption of Ordinance No. 35709-012202. The motion was seconded by Mr. Carder:**

Council Member Bestpitch advised that the contract for renewal of operating City parking facilities will be addressed in August 2002, and inquired as to the process for addressing terms and conditions in renegotiating the contract, specifically, the time frame for addressing issues of concern prior to advertising for proposals.

The City Manager advised that as an organization, the City of Roanoke has not been as mindful of parking as an economic development tool as it should be. She stated that City staff will investigate whether or not the City should take over management of its parking facilities since there are cities that operate break even and/or positive venues. She expressed concern with regard to the appearance of Roanoke's parking garages, lack of maintenance and the image that is portrayed under the current arrangement. She encouraged the Members of Council to provide their input as soon as possible since it is anticipated to advertise for proposals by March 1, in order to provide sufficient time for proper evaluation of proposals.

Ordinance No. 35709-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor requested information benchmarking the City of Roanoke with other City-owned parking facilities in the state.

(At this point, Council Member Wyatt left the meeting.)

**BUSES-COMMUNICATIONS DEPARTMENT-LEASES:** The City Manager submitted a communication advising that the Greater Roanoke Transit Company (GRTC) owns the Campbell Court Transportation Center located at 17-31 Campbell Avenue S. W., and leases office space within the facility; GRTC currently leases 2,245 square feet of space on the second floor to the City of Roanoke, for a total annual rent of \$8,217.50, which space is used for the Department of Technology's computer workstation support and offices; the five year lease agreement, which expires on January 31, 2002, has no option years available, however, the City wishes to enter into a new lease agreement beginning February 1, 2002, for two years, with an option for three additional years; the City intends to use the adjacent additional 1,380 square feet of space which is connected to the above mentioned 865 square feet to provide storage for approximately 300 older PCs that are to be replaced in the PC Replacement Program and the staging/set-up of 300 new PCs; and warehouse space is no longer available at the Public Works Service Center which means that total square footage to be used by the City in the proposed lease agreement is 2,245



square feet.

It was further advised that GRTC has agreed with the City that for the first five months of the lease agreement, February 1, 2002 through June 30, 2002, annual rental cost will be the same as the prior lease rate, \$9.50 per square foot for the original 865 square feet of finished space, for a total cost of \$3,423.95; and for the next seven months, July 1, 2002 through January 31, 2003, rental cost will be \$10.00 per square foot for the entire 2,245 square feet since the City will use both the finished and unfinished spaces, for a total cost of \$13,095.83, or a total rental cost for the first year of \$16,519.78

It was noted that annual rent for the remaining years is as follows:

Year 2	(2/1/03-1/31/04)	\$10.50/sq. ft.	X 2,245 sq. ft.	= \$23,572.50
Option Year 1	(2/1/04-1/31/05)	\$11.00/sq. ft.	X 2,245 sq. ft.	= \$24,695.00
Option Year 2	(2/1/05-1/31/06)	\$11.50/sq. ft.	X 2,245 sq. ft.	= \$25,817.50
Option Year 3	(2/1/06-1/31/07)	\$12.00/sq. ft.	X 2,245 sq. ft.	= \$26,940.00

Funding for the remainder of fiscal year 2002 is available in Account No. 013-430-1601-3075 and will be included in the recommended operating budgets for the Department of Technology, Account No. 013-430-1601-3075, for fiscal years 2003 through 2007.

The City Manager recommended that she be authorized to execute a lease agreement between the City of Roanoke and the Greater Roanoke Transit Company for term and rental cost as set forth above in a form to be approved by the City Attorney.

Mr. Bestpitch offered the following resolution:

(#35710-012202) A RESOLUTION authorizing the City Manager to enter into an agreement with the Greater Roanoke Transit Company for the lease of office space at the Campbell Court Transportation Center, for use by the Roanoke City Department of Technology, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 65, page 358.)

Mr. Bestpitch moved the adoption of Resolution No. 35710-012202. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

**FLOOD REDUCTION/CONTROL-PURCHASE/SALE OF PROPERTY-PARKS AND RECREATION:** The City Manager submitted a communication advising that since 1997, the City of Roanoke has purchased flood-prone homes on over 16 acres of land within 34 land parcels in the Garden City neighborhood; the purchases were made possible through the Hazard Mitigation Grant Program (HMGP), and acquisition was based upon a 75 per cent Federal and 25 per cent local match; and once purchased, the properties were turned over to the Department of Parks and Recreation for future recreational use; another parcel of land located between Garden City Boulevard and Bandy Road, S. E., is now for sale, Official Tax No. 4260518, located between properties currently owned by the City; and upon purchase, the combined property will be used for much-needed athletic fields within southeast Roanoke.

It was further advised that the property owner has agreed to sell the parcel of land for \$12,000.00, which is slightly under the assessed value; Parks and Recreation Department staff have met with the Garden City Civic League and the Garden City Recreation Club to present concept plans for a high-school sized football/soccer field and a youth baseball field; and both groups fully endorse the proposal; while the Hazard Mitigation Grant Program has concluded, full funding of \$12,000.00 is available via City matching funds previously allocated to the Grant Program in Account No. 008-052-9696 (Garden City Property Relocation Program); and purchase is subject to title search on the property and an acceptable environmental site inspection.

The City Manager recommended that Council authorize the purchase of property identified as Official Tax No. 260518.

Mr. Carder offered the following ordinance:

(#35711-012202) AN ORDINANCE authorizing the acquisition of certain flood-prone property located in Garden City from surplus local matching funds remaining after closure of the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Program grant; upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 359.)

**Mr. Carder moved the adoption of Ordinance No. 35711-012202. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**TRAFFIC-BUDGET-PARKS AND RECREATION-STREETS AND ALLEYS:** The City Manager submitted a communication advising that over the past two years, several functions performed by the Department of Parks and Recreation have been reassigned to other City departments, in order to allow Parks and Recreation to focus on its primary mission of supporting parks, recreational facilities and programs; responsibility for the weed control program was transferred to Planning and Code Enforcement in the year 2000, and, in early 2001, street sweeping responsibilities were moved to the Streets and Traffic division; and on October 1, 2001, alley maintenance and median and right-of-way mowing were transferred to Streets and Traffic, with 22 positions moved from Parks and Recreation to support the activities.

It was further advised that funds from Parks and Recreation need to be transferred to the Streets and Traffic Department to cover expenses for the remainder of the fiscal year, in the total amount of \$575,641.00, which includes all monies to cover Personal Services and Operating Expenses for median and right-of-way mowing for the remainder of the current fiscal year, with two exceptions: tipping fees to the Roanoke Valley Resource Authority and Motor Fuels & Lubricants; equitable distribution of the two line items will be developed and transferred through a City Manager transfer of funds; and the Office of Management and Budget will address adjustments to Internal Services accounts through a City Manager transfer of funds.

The City Manager recommended that Council approve the transfer of \$575,641.00 from corresponding object accounts (Nos. 001-620-4340 to 001-530-4110) for the fiscal year 2001-02 operating budget.

**Mr. Carder offered the following emergency budget ordinance:**

**(#35712-012202) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 360.)**

Mr. Carder moved the adoption of Ordinance No. 35712-012202. The motion was seconded by Mr. Bestpitch.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern that funds within the budget of the Parks and Recreation Department have not been used for improvements to Washington Park, and inquired if the transfer of funds as proposed by the City Manager will, in any way, endanger those funds that have been allocated for Washington Park improvements.

The City Manager responded that the transfer of funds in no way affects any monies previously set aside for Washington Park or any other City park, but relates solely to maintenance of medians and other areas that have been assigned to the Streets and Traffic Department.

Ordinance No. 35712-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

**PURCHASE/SALE OF PROPERTY-FLOOD REDUCTION/CONTROL:** The City Manager submitted a communication advising that the Roanoke River Flood Reduction Project was proposed by the U. S. Army Corps of Engineers in 1984 and approved by voter referendum on April 11, 1989; as part of the Local Cooperation Agreement between the City of Roanoke and the Corps of Engineers for design and construction, the City is required to acquire all necessary property rights, which were authorized by Council pursuant to Ordinance Nos. 29733-91189 and 34629-010400; adjustments in the final alignment have created the need for additional property rights not included in previous Council authorizations; and no additional funds will be required for said property rights.

The City Manager recommended that she be authorized to execute the appropriate documents to reserve easements on City-owned property and to acquire additional property rights as necessary for construction of the project, said property rights may be acquired by negotiation or eminent domain and may include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc.

Due to a potential conflict of interest, the Mayor requested that the Vice-Mayor preside over the above referenced item.

Mr. Bestpitch offered the following ordinance:

(#35713-012202) AN ORDINANCE providing for the acquisition of certain property rights needed by the City in connection with the Roanoke River Flood Reduction Project; providing for the City's acquisition of such property by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 363.)

Mr. Bestpitch moved the adoption of Ordinance No. 35713-012202. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Hudson, White, and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith abstained from voting.) (Council Member Wyatt was absent.)

**CITY CODE-ZONING-ARCHITECTURAL REVIEW BOARD:** The City Manager submitted a communication advising that a committee appointed by Council in January, 2001, reviewed and submitted recommendations regarding the restructuring of various City authorities, boards, commissions and committees; many of the recommendations as set forth in a Committee report dated April 2, 2001, have been implemented; the Committee recommended amendment of Section 36.1-640 of the Zoning Ordinance to delete certain requirements for members of the Architectural Review Board ("ARB"), and on September 17, 2001, Council adopted a resolution authorizing the filing of an amendment to the City Code by the City Manager; currently, members of the Architectural Review Board are required to meet certain eligibility requirements as set forth in the Zoning Ordinance, and Section 36.1-640 sets forth the following requirements for members, among other things:

"All members shall have an interest, competence or knowledge in historic preservation. At least one (1) of the members appointed shall be selected from the membership of the city planning commission, at least two (2) members shall be registered architects, and at least one (1) member shall be a person who has a demonstrated knowledge of and interest in the history of the city."



It was further advised that on October 18, 2001, Council held a public hearing to consider the proposed amendment and tabled the matter for further study, recommendation and report; and following further coordination with the City Manager, City Attorney, two members of the Architectural Review Board and one Council representative, the following revised amendment is proposed for further consideration by Council:

**“Sec. 36.1-640. Appointment, membership.**

There is hereby created an architectural review board consisting of seven (7) members appointed by majority vote of the city council. Initially, one (1) member shall be appointed to serve a term ending October 1, 1980, two (2) for a term ending October 1, 1981, two (2) for a term ending October 1, 1982, and two (2) for a term ending October 1, 1983. The council, at the time of initial appointment of the board, shall designate the terms of the appointees after the expiration of the initial term; and appointment shall be for a four-year term. Any vacancy on the board shall be filled in the same manner as the original appointment, for the unexpired term. Members of the board shall hold no elected public office. ~~All members shall have an interest, competence or knowledge in historic preservation. At least one (1) of the members appointed shall be selected from the membership of the city planning commission, at~~ At least two (2) members, but not more than three (3) shall be registered architects, and at least one (1) member shall be a person who has demonstrated knowledge of and interest in the history of the city.

In making appointments, City Council shall consider the appointee's interest or competence in, or knowledge of, historic preservation and the history of the city.”

The City Manager recommended that Council approve an amendment to Section 36.1-640, Code of the City of Roanoke (1979), as amended, as above set forth.

Mr. Carder offered the following ordinance:

**(#35714-012202) AN ORDINANCE amending and reordaining §36.1-640, Appointment, membership, of Division 2, Architectural Review Board, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, in order to eliminate certain qualifications for members of the Architectural Review Board, and dispensing with the second reading of this ordinance by title.**



**(For full text of Ordinance, see Ordinance Book No. 65, page 365.)**

**Mr. Carder moved the adoption of Ordinance No. 35714-012202. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**LANDMARKS/HISTORIC PRESERVATION: The City Manager submitted a communication advising that a historic survey of the Grandin Village (1300-1500 blocks of Grandin Road and 1700-2000 blocks of Memorial Avenue) is being conducted to determine if the area is eligible for listing on the Virginia Landmarks Register and the National Register of Historic Places, the survey is being conducted by a resident of the neighborhood as a volunteer project, and once an area is surveyed, a "Preliminary Information Form" will be submitted to the Virginia Department of Historic Resources (VDHR), which determines eligibility, an official nomination is made once VDHR determines eligibility, but before a final decision is made, the Virginia Department of Historic Resources will sponsor a public meeting to inform property owners and solicit public comments on the proposed nomination; and designation on the state and national registers provides many benefits, most notably, historic designation makes State and Federal tax incentive programs available, which can offset up to 45 per cent of the cost of rehabilitation.**

**It was further advised that the Grandin Theatre, which closed in November 2001, is included in the area to be nominated; the Grandin Theatre Foundation plans to rehabilitate the structure and reopen the theater; the City of Roanoke has made a significant financial commitment to the project and the availability of tax credit incentives will enhance the Foundation's ability to successfully complete the project; in addition, historic designation may encourage other property owners to rehabilitate properties in the Grandin Village area and ensure continued viability of the village center; the Vision 2001-2020 Comprehensive Plan supports the survey and nomination of historic districts and recommends that the City of Roanoke undertake a comprehensive inventory of historic properties and areas in the City and consider historic districts, and further recommends that neighborhood and stakeholder input be considered in the inventories, and encourages the City to promote local, State and Federal incentives to encourage rehabilitation of historic districts.**

**The City Manager recommended that Council adopt a resolution endorsing the nomination of the Grandin Village area for inclusion on the Virginia Landmarks**

Register and the National Register of Historic Places, and authorize the City Manager to execute documents related to said nomination on behalf of the City.

Mr. Bestpitch offered the following resolution:

(#35715-012202) A RESOLUTION endorsing the inclusion of the Grandin Village as a landmark on the Virginia Landmarks Register and the National Register of Historic Places; and authorizing the City Manager to execute the appropriate documents to include that area on the Virginia Landmarks Register and the National Register of Historic Places.

(For full text of Resolution, see Resolution Book No. 65, page 366.)

Mr. Bestpitch moved the adoption of Resolution No. 35715-012202. The motion was seconded by Mr. Carder.

Council Member Harris called attention to the difference between historic designation and historic district, and advised that many Grandin Road residents/business owners are pleased to be a part of a historic designation, but are not interested in participating in a designated historic district. He inquired if the recommendation before Council is a step toward City staff later recommending that the area be declared a historic district.

Christopher Chittum, City Planner, advised that the intent is to nominate the Grandin Road area for the National Register of Historic Places and the Virginia Landmarks Register, and there are no plans to consider an H-1 or H-2 District. He stated that communications will be forwarded to affected property owners and workshops will be held in an effort to clarify any issues of misunderstanding.

Resolution No. 35715-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

**POLICE DEPARTMENT-BUDGET-GRANTS:** The City Manager submitted a communication advising that the Virginia Department of Criminal Justice Services (DCJS) provides grant funding for development and improvement of criminal justice records systems; the Criminal Justice Records System Improvement grant provides funds for automation of criminal justice systems, development of technology to

improve and enhance services to victims, development of interfaces that facilitate exchange of information and assistance to localities in conversion to Incident Based Reporting (IBR) systems; on December 26, 2001, DCJS awarded the City of Roanoke Police Department with \$165,400.00 (\$41,350.00 of which must be a cash match from the City) to automate IBR Field Reporting and data entry, thereby insuring quality current data availability to officers and investigators; and the required City cash match of \$41,350.00 is available in Department of Technology, Account No. 013-430-9866-9003.

The City Manager recommended that Council accept the Criminal Justice Records System Improvement Grant, in the amount of \$165,400.00, and authorize the City Manager to execute appropriate grant agreements; appropriate \$124,050.00 from the Criminal Justice Record System Improvement Program and transfer \$41,350.00 from the Department of Technology Contingency Account, to an account to be established by the Director of Finance in the Grant Fund.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35716-012202) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Department of Technology and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 367.)

Mr. Bestpitch moved the adoption of Ordinance No. 35716-012202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

Mr. Bestpitch offered the following resolution:

(#35717-012202) A RESOLUTION authorizing the acceptance of a Criminal Justice Records System Improvements Grant, Grant No. 02-A3869CR01, made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services and authorizing the execution by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 65, page 369.)

**Mr. Bestpitch moved the adoption of Resolution No. 35717-012202. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**SEWERS AND STORM DRAINS-BUDGET-EQUIPMENT-STREETS AND ALLEYS:** The City Manager submitted a communication advising that the project for improvements and signalization at Airport Road/Municipal Road/Towne Square Boulevard proposes improvement and signalization of the intersection of Municipal Road and Airport Road, as well as Airport Road and Towne Square Boulevard, with the installation of a major storm drain beneath Airport Road to be included; both the signal project and the proposed storm drain project support the continuing economic development of the area; traffic signal and roadway improvements will result in increased traffic safety and efficiency of Airport Road and its intersections with Municipal Road and Towne Square Boulevard; and the proposed storm drain is part of the Innotech Expansion capital improvement project, which will provide a regional storm water management facility for undeveloped properties.

The City Manager recommended that Council accept the bid of Aaron J. Conner, General Contractor, Inc., in the amount of \$997,261.40, with 150 consecutive calendar days of contract time, and reject all other bids received by the City; transfer \$54,258.00 from CMERP Appropriation to Building Reserve, and \$131,068.00 from Innotech Expansion, Account No. 008-052-9627, to Airport Road Signals, Account No. 008-052-9577; and appropriate \$45,542.00 from Capital Projects Fund fund balance, \$375,200.00 from Colonial Avenue Property Sale, \$225,500.00 from 1999 Bonds for Economic Development, Account No. 008-052-9709, and \$134,552.00 from 1999 Bonds for Storm Drains, Account No. 008-052-9709, to Airport Road Signals, Account No. 008-052-9577.

**Mr. Carder offered the following emergency budget ordinance:**

**(#35718-012202) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Water and Capital Projects Funds Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 370.)**

**Mr. Carder moved the adoption of Ordinance No. 35718-012202. The motion**

was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**Mr. Bestpitch offered the following emergency ordinance:**

**(#35719-012202) AN ORDINANCE accepting the bid of Aaron J. Conner, General Contractor, Inc., for improvements to and signalization of two intersections on Airport Road, Municipal Road and Towne Square Boulevard, and installation of a major storm drain in the same area, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 372.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35719-012202. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**SIDEWALK/CURB AND GUTTER-PARKS AND RECREATION-PUBLIC WORKS-LIBRARIES: The City Manager submitted a communication advising that specifications were developed and an Invitation for Bid were sent to 23 providers of custodial/janitorial services for custodial services at the Main Library and branches, Parks and Recreation buildings and Market Square Walkway, in accordance with Chapter 23.1 Code of the City of Roanoke (1979), as amended; whereupon, the City Manager recommended that Council accept the bids of Alabama Cleaning Service & Supply Co., Inc. d/b/a Southern Management Co., Renu, Inc., and C & C Franchising, Inc. d/b/a Jani-King of Richmond for a period of three years, with an option to renew for two additional one year periods, said contracts be approved as to form by the City Attorney; and that all other bids received by the City be rejected.**

**Mr. Carder offered the following resolution:**

**(#35720-012202) A RESOLUTION accepting certain bids made to the City for providing custodial/janitorial services at the Main Library and branches, Parks and Recreation buildings, and the Market Square Walkway; authorizing the proper City officials to execute the necessary contracts for the work; and rejecting all other bids made to the City.**

**(For full text of Resolution, see Resolution Book No. 65, page 374.)**

**Mr. Carder moved the adoption of Resolution No. 35720-012202. The motion**

**was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**CMERP-BUDGET-REFUSE COLLECTION-EQUIPMENT: The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to replace one automated compaction truck for use by Solid Waste Management; a Request for Proposals will be issued in the near future for the 2002 Capital Equipment Lease; plans for the lease are consistent with capital projects outlined in the City's Capital Maintenance and Equipment Replacement Program (CMERP) as adopted by Council on September 4, 2001, which includes a CMERP recommendation of \$1,293,500.00 of vehicular equipment earmarked to be financed from lease proceeds; another \$450,000.00 in lease financing is recommended to purchase personal computers; and the entire lease amount is recommended to be \$2,145,250.00, which includes the above items, plus an allowance for other equipment to be recommended for lease financing upon award of the lease to the bidder providing the lowest interest rate.**

**The City Manager recommended that Council appropriate \$136,493.00 of capital lease proceeds in advance of issuance and adopt a resolution declaring the City's intent to reimburse itself from the proceeds of the capital lease upon issuance, with the maximum amount anticipated to be reimbursed related to purchase of an automated compaction truck being \$136,493.00, and the maximum amount of lease proceeds anticipated to be issued for all equipment under the capital lease is \$2,145,250.00; and further recommending acceptance of the bids of Truck Enterprises Volvo, Inc., at a total cost of \$82,993.00, for a cab/chassis, and the bid of Mid-State Equipment Co., Inc., at a total cost of \$53,500.00, for an automated compaction body; and reject all other bids received by the City.**

**Mr. Carder offered the following emergency budget ordinance:**

**(#35721-012202) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Fleet Management Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 375.)**

**Mr. Carder moved the adoption of Ordinance No. 35721-012202. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**





**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**Mr. Bestpitch offered the following resolution:**

**(#35722-012202) A RESOLUTION accepting certain bids for the purchase of a cab/chassis and automated compaction body, upon certain terms and conditions, and rejecting all other bids made for such equipment.**

**(For full text of Resolution, see Resolution Book No. 65, page 376.)**

**Mr. Bestpitch moved the adoption of Resolution No. 35722-012202. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**Mr. Carder offered the following resolution:**

**(#35723-012202) A RESOLUTION declaring the City's intent to reimburse itself from the proceeds advanced pursuant to a tax-exempt equipment lease purchase agreement for certain moneys to be appropriated by the City for expenditures in connection with the purchase of equipment for the City; and providing for an effective date.**

**(For full text of Resolution, see Resolution Book No. 65, page 377.)**

**Mr. Carder moved the adoption of Resolution No. 35723-012202. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**CMERP-BUDGET-REFUSE COLLECTION-EQUIPMENT:** The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to replace three refuse rear loading bodies and three refuse cab chassis for Solid Waste Management; it is proposed to issue a Request for Proposals in the near future for the 2002 Capital Equipment Lease; plans for the lease are consistent with capital projects outlined in the City's Capital Maintenance and Equipment Replacement Program (CMERP) as adopted by Council on September 4, 2001; included in the CMERP recommendation was \$1,293,500.00 of vehicular equipment earmarked to be financed from lease proceeds; another \$450,000.00 in lease financing is recommended to purchase personal computers which was done in the prior fiscal year; and the entire recommended lease amount is \$2,145,250.00, which includes the above referenced items, plus an allowance for other equipment to be recommended for lease financing upon award of the lease to the bidder providing the lowest interest rate.

The City Manager recommended that Council appropriate \$427,530.00 of capital lease proceeds in advance of issuance and adopt a resolution declaring the City's intent to reimburse itself from the proceeds of the capital lease upon issuance, the maximum amount anticipated to be reimbursed regarding purchase of refuse rear loading bodies and cab/chassis is \$427,530.00, and the maximum amount of lease proceeds anticipated to be issued for all equipment under the capital lease is \$2,145,250.00; and accept the bids of Bilthuis & Associates, Inc., LLC, at a total cost of \$112,869.00 for three refuse rear loading bodies, and Cavalier Equipment Corporation, at a total cost of \$314,661.00, for three refuse cab/chassis; and reject all other bids received by the City.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35724-012202) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Fleet Management Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 378.)

Mr. Bestpitch moved the adoption of Ordinance No. 35724-012202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

Mr. Carder offered the following resolution:

(#35725-012202) A RESOLUTION accepting certain bids for the purchase of refuse cab/chassis and refuse rear loading bodies, upon certain terms and conditions, and rejecting all other bids made for such equipment.

(For full text of Resolution, see Resolution Book No. 65, page 379.)

Mr. Carder moved the adoption of Resolution No. 35725-012202. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

CITY CLERK:

SCHOOLS: A report of the City Clerk advising that pursuant to Chapter 9, Education, Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, the three-year terms of office of Charles W. Day and Brian J. Wishneff as Trustees of the Roanoke City School Board will expire on June 30, 2002; and Mr. Day is ineligible to serve another term inasmuch as he has served three consecutive three year terms of office.

It was further advised that pursuant to Section 9-16, of the City Code, on or before February 15 of each year, Council shall announce its intention to elect Trustees of the Roanoke City School Board for terms commencing July 1 through: (1) public announcement of such intention at two consecutive regular sessions of the Council and (2) advertisement of such intention in a newspaper of general circulation in the City twice a week for two consecutive weeks; Section 9-17 of the City Code provides that applications must be filed in the City Clerk's Office by March 10 of each year, however, since March 10, 2002, falls on Sunday and City offices will be closed, the deadline for receipt of applications will be Friday, March 8 at 5:00 p.m; application forms will be available in the City Clerk's Office and may be obtained between the hours of 8:00 a.m., and 5:00 p.m., Monday through Friday; and information describing the duties and responsibilities of School Trustees will also be available.

Without objection by Council, the Mayor advised that the report would be received and filed.

## **REPORTS OF COMMITTEES:**

**BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.**

**\$57,700.00 for the Technology Literacy Challenge Grant to provide individual competencies and training in instructional technology to teachers in grades K-2, in order to improve the academic and technological achievement of the district's primary students, which continuing grant program will be 100 per cent reimbursed by Federal funds.**

**\$110,706.00 for the Flow Through program, to provide aid for the education and guidance of handicapped students, which continuing program will be 100 per cent reimbursed by Federal funds.**

**\$42,919.00 to provide for purchase of capital equipment at Fairview Elementary School, which funding will be provided from VPSA Bonds approved for the project.**

**\$59,401.00 to provide for purchase of capital equipment at Fishburn Park Elementary School, which funding will be provided from VPSA Bonds approved for the project.**

**A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.**

**Mr. Bestpitch offered the following emergency budget ordinance:**

**(#35726-012202) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School and School Capital Projects Funds Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 380.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35726-012202. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**





**BUILDINGS/BUILDING DEPARTMENT-PARKS AND RECREATION-SCHOOLS:**

A report of the City Planning Commission advising that on October 18, 2001, the Planning Commission considered the Comprehensive Development plan for the Roanoke Academy of Mathematics and Science at 1122 19<sup>th</sup> Street, N. W., and approved the plan; the Board of Zoning Appeals granted a special exception permit for the school, finding that the proposed construction furthered the intent of the Comprehensive Plan, and complied with standards for a special exception permit as set forth in the City's Zoning Ordinance; on December 20, 2001, the City Planning Commission held a public hearing to consider the project with respect to its compliance with the Comprehensive Plan, at which time staff recommended that the public facility was in accord with the Vision 2001-2020 Comprehensive Plan and noted that at least three acres of park land used by the proposed facility was to be replaced by the City (as required by the Federal Government since JFK Park had been acquired with Federal monies) and no decision has been made by the City regarding disposition of the existing school facility.

It was further advised that in December, the School Board adopted a resolution notifying the City that the existing building would no longer be used as a school and would be available for other purposes after the new facility is completed; City Planning Commission members discussed disposition of the school and recommended that the City carefully consider the park replacement matter, as well as disposition of the facility, to ensure that the neighborhood is informed and that the City does not incur unnecessary or additional costs for demolition or repairs to the existing building; and Vision 2001-2020 notes that a new school is to be constructed in the Melrose Rugby neighborhood.

The City Planning Commission recommended that Council find that the proposed school facility is in accord with Vision 2001-2020, the Comprehensive Plan for the City of Roanoke. It was advised that the proposed facility is noted in the Comprehensive Plan, and the facility's character and features are in keeping with the recommended policies and design principles for development.

Mr. Hudson offered the following resolution:

(#35727-012202) A RESOLUTION finding that the proposed location of the Roanoke Academy of Math and Science at 1122 19<sup>th</sup> Street, N. W., is substantially in accord with Vision 2001-2020, the City's Comprehensive Plan.

(For full text of Resolution, see Resolution Book No. 65, page 383.)

Mr. Hudson moved the adoption of Resolution No. 35727-012202. The motion was seconded by Mr. White and adopted by the following vote:



**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**Dr. E. Wayne Harris, Superintendent, Roanoke City Public Schools, advised that at the December 2001 School Board meeting, the Board approved a resolution regarding the Roanoke Academy of Mathematics and Science (RAMS), and requested that Council dedicate 8.5 acres of land at 19<sup>th</sup> Street and Andrews Road, a portion of which is currently known as Kennedy Park, for school use on or about April 2002. He stated that in November 2000, the School Board approved a recommendation to construct a new RAMS on the Kennedy Park site, rather than renovating its current location, based upon the rationale that a new school facility will avoid moving 350 students, given the time involved to construct a new building over a period of approximately two years, and will enable construction of a modern state-of-the-art facility, since the existing facility was constructed as a multi-level junior high school.**

**Dr. Harris stated that the cost of the project is \$10.2 million, project funding includes \$1 million from the 1999 capital bond issue and the balance of \$9.12 million would be equally shared by the City and the School Board, with \$1.3 million in Qualified Zone Academy Bonds (QZAB) which have been secured for equipment and technology. He noted that included in the cost of the facility is \$500,000.00 for demolition of the current RAMS building, and if approved by Council, the School Board would turn the land over to the City where the current RAMS structure is located, and the City would determine future use of the facility. Due to certain restrictions imposed by the Federal Government when the area was turned into park land and given to the City, he advised that the School Board has worked in conjunction with the City Attorney's Office to take the necessary steps to have the property turned over to the City in order for the City to dedicate the property for school purposes, and they are in the final stages of discussion with the Department of the Interior with regard to green way property and certain other environmental issues.**

**Dr. Harris advised that four community meetings have been held with staff and citizens to present plans and to receive input, with only one major concern having been expressed by two citizens regarding a drainage issue in an area located off of Kennedy Park along 19th Street at its intersection with Andrews Road, which concern has been discussed with the appropriate City department. He stated that three citizens requested that the old facility at the corner of 19th Street and Carroll Avenue be retained because of the value of the building to the community; and other**

discussions addressed the need to use the building as a full use community facility. Therefore, he noted that the size of the gymnasium in the new facility has been increased to a full school gym with wooden floor and electric bleachers to encourage community use, along with an expanded library media center, enhanced technology that would be easily accessible by the community at night and on weekends, hours of operation of the community would be expanded, and the cafeteria would be expanded to include a stage; and an additional \$750,000.00 has been included in the City's Capital Plan to provide for a community use facility.

There was discussion with regard to whether demolition of the current RAMS facility has been decided; whereupon, the City Manager advised that the budget was developed with the expectation that the building would be demolished and returned to the City as park land, but not necessarily acre for acre since construction of a single story school requires more land than a high school. She stated that it is believed that the proposed additional improvements to the new school more than offset any loss that there might be to the community in demolishing the current RAMS building.

Dr. Harris clarified that the School Board has recommended to the City Manager that the current RAMS building be demolished in view of its current condition.

Question was raised as to how much space is currently leased for various programs by the school system; whereupon, Dr. Harris advised that the School Board leases approximately 28,000 square feet of space in the former Celebration Station building for the Noel C. Taylor Learning Academy and Maternal and Infant Care Program, space is leased on Church Avenue for CITY School at \$1.00 per year, and space is also leased at the Higher Education Center for the Blue Ridge Academy of Technology.

There was discussion as to whether the present RAMS building could serve as the location for the Noel C. Taylor Learning Academy; whereupon, Dr. Harris advised that the School Board chose to construct a new facility in lieu of renovating the current RAMS building due to costs associated with bringing the building up to acceptable standards in regard to heating, lighting and electrical amenities. He stated that there could also be major asbestos removal costs, given the age of the structure.

The Mayor inquired as to current utility costs incurred at the Roanoke Academy for Mathematics and Science; whereupon, the Superintendent advised that the information would be provided.

Mr. Harris offered the following resolution:

**(#35728-012202) A RESOLUTION authorizing the Roanoke City School Board to use approximately 8.5 acres of land on the corner of 19<sup>th</sup> Street and Andrews Road for school use for the new Roanoke Academy of Mathematics and Science.**

**(For full text of Resolution, see Resolution Book No. 65, page 384.)**

**Mr. Harris moved the adoption of Resolution No. 35728-012202. The motion was seconded by Mr. White.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired about possible re-use of the present RAMS building when the new school facility is constructed. She advised that it is distressing to hear that the City has already decided to demolish the building, despite the fact that the area around the structure can be used for park purposes, with an accessible green way located in close proximity. She called attention to other structures that have been rehabilitated and reused, and advised that historic preservation, rehabilitation and reuse should be advocated before a decision is made to demolish the building. She suggested that the School Board retain the RAMS building and recommend a reconstructed reuse that would benefit the entire community, and specifically the black community. She stated that many structures in the black community have been destroyed, whereas, numerous buildings in other parts of the community have been retained; therefore, she requested that the RAMS facility be retained as an important symbol of Roanoke's history for all citizens to enjoy.**

**Following further discussion, the City Manager advised that she has spoken with the Members of Council regarding the matter over a period of months, and her position has been that additional funds should be allocated to a new elementary school; therefore, it was her recommendation that Council appropriate an additional \$750,000.00 for an improved elementary school, with the understanding that the current RAMS building would be demolished, and \$500,000.00 was included for that purpose. She explained that the plan, as presented to the community, was that the current RAMS building would be demolished and the land would be returned to some form of park use; however, if Council chooses to take a different course of action, such action should be shared with the community.**

**Resolution No. 35728-012202 was adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**PARKS AND RECREATION-NEIGHBORHOOD ORGANIZATIONS:** A report of the City Planning Commission advising that on October 17, 2001, the Acting Director of Parks and Recreation advised that the Wasena Neighborhood Forum had requested that Oak Park be renamed Triangle Park; Wasena residents have referred to the park as "Triangle" for years because of its shape; and on November 15, 2001, the Ordinance and Names Committee of the City Planning Commission recommended changing the name from Oak Park to Triangle Park.

The City Planning Commission recommended that Oak Park be renamed to Triangle Park.

Mr. Bestpitch offered the following resolution:

(#35729-012202) A RESOLUTION renaming Oak Park, located in the Wasena Neighborhood, to Triangle Park.

(For full text of Resolution, see Resolution Book No. 65, page 385.)

Mr. Bestpitch moved the adoption of Resolution No. 35729-012202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

UNFINISHED BUSINESS: None.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

**PURCHASE/SALE OF PROPERTY-DONATIONS/CONTRIBUTIONS-ARMORY/STADIUM-ROANOKE CIVIC CENTER:** Ordinance No. 35691, accepting the donation of a parcel of land described as Official Tax No. 3070318 from Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton, to be used as a site for a multipurpose stadium/amphitheater facility, having previously been before the Council for its first reading on Monday, December 17, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Bestpitch offering the following for its second reading and final adoption:

(#35691-012202) AN ORDINANCE authorizing the City Manager's acceptance

**of a donation to the City of Roanoke of a parcel of land identified as Official Tax No. 3070318, and expressing appreciation to Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton for the donation.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 354.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35691-012202. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**CITYCODE-BUILDINGS/BUILDING DEPARTMENT: Council having instructed the City Attorney to prepare a measure discontinuing the Property Maintenance Code Board of Appeals, inasmuch as requirements applicable to the Building Code Board of Appeals also apply to the Property Maintenance Code Board of Appeals, Mr. Carder offered the following ordinance:**

**(#35730-012202) AN ORDINANCE amending and reordaining §7-7, Building code board of appeals created; composition, eliminating the exception of appeals pursuant to the BOCA National Property Maintenance Code from the jurisdiction of the building code board of appeals, and repealing §7-8, Property maintenance code board of appeals; created; composition, Article II, Building Code, Chapter 7, Building Regulations, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 386.)**

**Mr. Carder moved the adoption of Ordinance No. 35730-012202. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**TRAFFIC-PARKS AND RECREATION-LEGISLATION: Council Member Harris called attention to legislation introduced (House Bill 460) by Delegate Morgan Griffith at the 2002 Session of the Virginia General Assembly which would limit the use of 15 passenger vans for the transportation of youth.**





Following discussion of the matter, Mr. Harris moved that Council go on record in support of the spirit and intent of House Bill 460, and that the City Attorney be requested to communicate the City's support to the City's legislative liaison, Thomas A. Dick. The motion was seconded by Mr. Hudson and adopted.

Council Member Harris requested that the City Manager report to Council on the City of Roanoke's use of 15 passenger vans for transportation purposes.

**FIRE DEPARTMENT:** Council Member Hudson requested that the City Manager provide information on costs incurred, or to be incurred, with regard to providing state-of-the-art equipment for the City's proposed new fire stations.

**OATHS OF OFFICE-COMMITTEES-POLICE DEPARTMENT-TOWING CONTRACT:** The Mayor advised that there is a vacancy on the Towing Advisory Board created by the resignation of Sergeant C. A. Karr, and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of Officer Harold F. Wallick.

There being no further nominations, Officer Harold F. Wallick was appointed as a member of the Towing Advisory Board, to fill the unexpired term of Sergeant C. A. Karr, resigned, ending June 30, 2003, by the following vote:

**FOR OFFICER WALLICK:** Council Members Bestpitch, Harris, Carder, Hudson, and Mayor Smith-----5.

(Council Member Wyatt was absent.) (Council Member White was out of the Council Chamber when the vote was recorded.)

Mr. Carder moved that the City residency requirement be waived for Officer Wallick. The motion was seconded by Mr. Bestpitch and adopted.

#### **CITY MANAGER COMMENTS:**

**SIDEWALK/CURB AND GUTTER-CITY PROPERTY-SNOW REMOVAL:** The City Manager commended City staff on snow removal efforts on Saturday, January 19, 2002. When there is a snow event, she advised that it is the responsibility of the property owner to clear the sidewalk in front of the residence as soon as possible following the snow, and requested the cooperation of Roanoke's citizens.

At this point, the Mayor advised that RVTV Channel 3 coverage of the City Council meeting would conclude.



**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; it is a time for informal dialogue between citizens and Council Members, and matters requiring referral to the City Manager will be referred for response, report and recommendation to Council.

There were no requests by citizens to speak.

At 4:45 p.m., the Mayor declared the meeting in recess until 7:00 p.m., in the City Council Chamber.

On Tuesday, January 22, 2002, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

**PRESENT:** Council Members William D. Bestpitch, C. Nelson Harris, William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Scout Troop #5.

**PUBLIC HEARINGS:**

**NEWSPAPERS-LEASES-AIR RIGHTS:** Pursuant to notice of advertisement for bids for lease of air rights and easement for support columns located in the City of Roanoke over a portion of Second Street, S. W., which bids were to be received in the City Clerk's Office until 4:30 p.m., on Tuesday, January 22, 2002, and to be held, unopened, by the City Clerk until 7:00 p.m., at which time all bids would be publicly opened and read before the Council, the matter was before the body.

The Mayor inquired if there were any questions with regard to the opening of the bids. There being no questions, he instructed the City Clerk to proceed with the opening of the bids; whereupon, the City Clerk advised that only one bid was received prior to the deadline for receipt of bids, from the Times World Corporation, in the amount of \$8,500.00, for a term commencing January 17, 2002 and ending January 17, 2062.

Without objection by Council, the Mayor advised that the bid of the Times World Corporation would be held in abeyance pending the next item on the agenda which is a public hearing on the proposal of the City of Roanoke to grant, by ordinance, additional air rights, and an easement for support columns located in the City of Roanoke over a portion of Second Street, S. W., for a term beginning as soon as all legal requirements have been met and ending on January 22, 2062, to provide sufficient area and space for a crosswalk in connection with expansion of the facilities of the Times-World Corporation.

Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, January 8, 2002 and Tuesday, January 15, 2002, and in The Roanoke Tribune on Thursday, January 17, 2002.

The City Manager submitted a communication advising that the Times-World Corporation, a subsidiary of Landmark Communications, Inc., (the Times) has been publishing newspapers from its present location in downtown Roanoke since 1914; a new production facility will be constructed on property across Second Street; a crosswalk above Second Street between Campbell Avenue and Salem Avenue between the existing building and the proposed expansion is needed to provide efficient access to the new production facility; the Roanoke Times has requested a lease of air rights, together with an easement for support columns (including the right to construct, maintain, repair, replace and remove) within the right-of-way of Second Street, S. W., for the structure to be constructed within the requested air rights to be leased for a term of 60 years, which is the limit allowed by the Constitution of Virginia; the bid for license payment is recommended to be a one-time fee of not less than \$8,500.00, which value was established by applying 50 per cent of the value per square foot of surrounding properties to the 1,312.5 square foot footprint of the area to be leased.

It was further advised that the crosswalk will be one level, located within the defined airspace above Second Street, a minimum of 18 feet above the street and extending upward for a distance of approximately 24 feet; potential lease of air space and easement for columns of support for the crosswalk must be advertised and the successful bidder is required to reimburse the City for the cost of advertising a public

hearing; City staff recommends authorization of the lease of air rights and easement for the structure, including a provision for removal of the structure should the use terminate, if the structure is allowed to deteriorate unreasonably, or is damaged to the point that its owners do not wish to repair it; the successful bidder will be required to obtain a performance bond naming the City of Roanoke as obligee or insured party in the event the lessee does not demolish or remove the structure as required in the lease; initial bond amount shall be \$250,000.00, to be reviewed every five years and adjusted as necessary by mutual agreement of the parties; the successful bidder shall also be responsible for utilities, maintenance and lighting of the structure, and installation and maintenance of any and all lighting which may be required under the structure or on the structure in order to provide adequate lighting for that portion of the street which would pass under the structure; and indemnification and general liability insurance, bodily injury, and property damage liability insurance coverage, with the City named as additional insured, shall be provided by the successful bidder.

The City Manager recommended, following the public hearing and opening of bids, that Council authorize execution of a lease for a term of 60 years for said air rights and easement for support columns, to allow construction of a crosswalk 18 feet above Second Street, S. W., and extending upward for a distance of approximately 24 feet between Campbell and Salem Avenues, S. W., for a one time consideration of not less than \$8,500.00, the successful bidder to be responsible for preparing all appropriate legal documents, in a form to be approved by the City Attorney, including provision for a performance bond to assure demolition of the structure, if necessary, and authorize award of such lease and easement to the successful bidder, with the City reserving the right to reject all bids.

Mr. Bestpitch offered the following ordinance:

(#35731-012202) AN ORDINANCE authorizing a lease between the City of Roanoke and the Times World Corporation, for the lease of certain airspace over Second Street, S. W., to provide sufficient area and space for the construction of a crosswalk in connection with the expansion of the facilities of the Roanoke Times, and an easement for the location within the right-of-way of Second Street of support columns for the crosswalk to be constructed, for a term of sixty (60) years; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 387.)

Mr. Bestpitch moved the adoption of Ordinance No. 35731-012202. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35731-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Timothy Sarver to permanently vacate, discontinue and close that certain alleyway running in an easterly direction from 27th Street, N. W., for a distance of approximately 53 feet, more or less, and lying between parcels of land bearing Official Tax Nos. 2410401 and 2410414, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 4, 2002 and Friday, January 11, 2002, and in The Roanoke Tribune on Thursday, January 17, 2002.

A report of the City Planning Commission advising that the alley proposed for closure is a paper alley that has not been developed; and the petitioner owns both parcels of land adjoining the alley and wishes to vacate the alley to allow for expansion of his business, Sarver Hydraulics, was before Council.

The City Planning Commission recommended approval of the request, subject to certain conditions.

Mr. Bestpitch offered the following ordinance:

(#35732-012202) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 389.)

Mr. Bestpitch moved the adoption of Ordinance No. 35732-012202. The motion

**was seconded by Mr. Harris.**

**Timothy Sarver, petitioner, appeared before Council in support of his request.**



The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Ordinance No. 35732-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

**GREENWAY SYSTEM-TEA-21-ROANOKE PASSENGER STATION RENOVATION PROJECT:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider previously received applications for Federal funds made available through the Transportation Equity Act for the 21st Century for transportation enhancement projects in Fiscal Year 2002-03, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, January 6, 2002 and Sunday, January 13, 2002, and in The Roanoke Tribune on Thursday, January 17, 2002.

A communication from the City Manager advising that the Transportation Equity Act for the 21st Century (TEA-21) was signed into Federal law in June 1998, which action reauthorized the Federal surface transportation programs for six years, from fiscal year 1998 to 2003, replacing the Intermodal Surface Transportation Efficiency Act (ISTEA); the law provides \$215 billion in spending authority for highways and transit, including \$3 billion for transportation enhancement projects; TEA-21 requires State departments for transportation to set aside ten per cent of their Surface Transportation Program (STP) allocation each year for transportation enhancements, which includes activities such as facilities for pedestrians and bicyclists (such as greenways) and rehabilitation of historic transportation buildings; and the Virginia Department of Transportation (VDOT) held a public meeting regarding the TEA-21 enhancement program on November 7, 2001, was before Council.

It was further advised that any group or individual may initiate enhancement projects; however, City Council and the Metropolitan Planning Organization must endorse the applications prior to submittal to VDOT by the applicant on or before January 31, 2002; two enhancement project applications have been received; i.e.: Roanoke River Greenway and Roanoke Passenger Station Renovation and O. Winston Link Museum; and the City Planning Commission received the requests on

December 20, 2001, and submitted a recommendation to Council under separate cover.

The City Manager recommended that Council endorse, by separate resolution, project applications submitted by the City of Roanoke for the Roanoke River Greenway and Western Virginia Foundation for the Arts and Sciences for the Roanoke Passenger Station and O. Winston Link Museum, and agree to pay the respective percentages of the total cost for each project; if the City elects to cancel the project, the City would reimburse VDOT for the total amount of costs associated with any work completed on either project through the date of cancellation notice. The City Manager further recommended that she be authorized to execute, on behalf of the City, any City/State Agreements for project administration, subject to approval of the project applications by VDOT, and that she be authorized to execute, on behalf of the City, a legally binding agreement with the Western Virginia Foundation for the Arts and Sciences (WVFAS), subject to approval of the application by VDOT, requiring the WVFAS to be fully responsible for its matching funds, as well as all other obligations undertaken by the City by virtue of the City/State Agreement.

Mr. White offered the following resolution:

(#35733-012202) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the Roanoke River Greenway.

(For full text of Resolution, see Resolution Book No. 65, page 392.)

Mr. White moved the adoption of Resolution No. 35733-012202. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Resolution No. 35733-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

Mr. White offered the following resolution:

(#35734-012202) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for Roanoke Passenger Station Renovation and O. Winston Link Museum.

(For full text of Resolution, see Resolution Book No. 65, page 393.)

Mr. White moved the adoption of Resolution No. 35734-012202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

**BUILDINGS/BUILDING DEPARTMENT-CITY PROPERTY-LEASES-COMMONWEALTH OF VIRGINIA BUILDING:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal to extend the lease of a portion of City-owned property, known as the Commonwealth Building, located at 210 Church Avenue, S. W., to the United States Federal Government, General Services Administration, for a period of one year, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, January 13, 2002, and in The Roanoke Tribune on Thursday, January 17, 2002.

A communication from the City Manager advising that the General Services Administration (GSA) leases the second floor of the Commonwealth Building for use of the Federal Bankruptcy Court and affiliated offices, which lease will expire on January 31, 2002; the GSA is interested in continuing the lease, however, time constraints and requirements mandated by Federal guidelines make it impossible to execute a new lease by February 1, 2002, and for this reason, the GSA requests that the City extend the current lease for one year; currently, the GSA leases twelve, 413 square feet, including the entire second floor and one office on the first floor; current lease rate is \$6.50 per square foot, plus \$3.93 per square foot for operating costs, with annual rent totaling \$129,549.60; and the renewal of the lease involves the same square footage and base rate per square foot, with the rate for operating cost to increase according to the Consumer Price Index for 1982 – 1984 = 100, as a condition of the current lease, was before Council.

The City Manager recommended, following the public hearing, that she be authorized to offer and execute an extension of the existing lease between the City of Roanoke and the General Services Administration, for a one year term to allow sufficient time for the GSA and the City to negotiate terms and conditions for a new

**lease agreement, commencing February 1, 2002, and ending January 31, 2003, with a new lease agreement between the City and the GSA to be executed at the end of the renewal.**

**Mr. Hudson offered the following ordinance:**

**(#35735-012202) AN ORDINANCE authorizing the extension of an existing lease between the City of Roanoke and the General Services Administration of the United States of America for the lease of certain space in the Commonwealth Building, located at 210 Church Avenue, S. W., for a period of one year, authorizing the City Manager to execute the requisite lease extension agreement, and dispensing with the second reading of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 394.)**

**Mr. Hudson moved the adoption of Ordinance No. 35735-012202. The motion was seconded by Mr. Carder.**

**The Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Resolution No. 35735-012202 was adopted by the following vote:**

**AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**The Mayor declared the public hearing closed.**

**PURCHASE/SALE OF PROPERTY-BONDS/BOND ISSUES-ARMORY/STADIUM:**  
**Pursuant to action by the Council, the City Clerk having advertised a public hearing for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed adoption of a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City, in the principle amount of \$830,000.00, for the purpose of providing funds to pay a portion of the costs of a public improvement project of and for the City, consisting of acquisition, construction and equipping of a new Stadium/Amphitheater, the matter was before the body.**

**Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, January 8, 2002, and Tuesday, January 15, 2002, and in The Roanoke Tribune on Thursday, January 17, 2002.**

**The Director of Finance submitted a written report advising that Council authorized the issuance of \$56,245,000.00 of General Obligation Bonds to fund the five year Capital Improvement Program, including \$16,200,000.00 for the Stadium/Amphitheater and \$3,000,000.00 for improvements to the Civic Center; Council was advised on November 5, 2001, that the City's bond attorney had issued an opinion that the bonds for the South Jefferson Redevelopment Area and the Civic**

Center met the Internal Revenue Service private activity tests and would be issued as taxable bonds; the City recently received authority from the State of Virginia to issue \$12,000,000.00 of tax exempt Qualified Redevelopment Bonds (QRB's) to finance the South Jefferson project, which will save the City at least \$2,000,000.00 in interest payments over the life of the bonds; in addition to applying for and receiving the QRB's, a strategy has been developed to finance Civic Center improvements without having to issue taxable bonds; it is allowable, within Internal Revenue Service guidelines, to spend a given percentage of the total amount of the bonds on activities that would potentially benefit private enterprise; the allowable amount relative to the 2002 bond issue totals \$2,170,000.00, which could be applied to the Civic Center project, thus, the City would have to issue only \$830,000.00 of taxable bonds to complete the \$3,000,000.00 of Civic Center improvements.

It was further advised that in order to avoid issuing any taxable bonds, the following solution is proposed: Approximately \$1,800,000.00 has been designated in cash for the Stadium/Amphitheater project; the remainder of the project will be funded from \$16,200,000.00 of bonds to be included in the 2002 issue; it is recommended to increase the amount of bonds issued for the Stadium/Amphitheater project by \$830,000.00 and substitute a like amount of cash from the project to complete funding needed for the Civic Center project; internally, accounting wise, the Civic Center Fund will still be responsible for \$3,000,000.00 of debt, as originally planned, which approach will allow the City to achieve the total financing needed, without issuing taxable bonds, thus, saving the City at least another \$100,000.00 in interest costs over the life of the bonds.

The Director of Finance recommended that Council adopt a resolution authorizing issuance of an additional \$830,000.00 in general obligation bonds for the Stadium/Amphitheater and reducing the \$3,000,000.00 of bonds previously authorized for Civic Center improvements by \$830,000.00. He advised that the total bond issue will remain the same at \$56,245,000.00.

Mr. Carder offered the following resolution:

(#35736-012202) A RESOLUTION authorizing the issuance of eight hundred thirty thousand dollars (\$830,000) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such City, for the purpose of providing funds to pay a portion of the costs of a public improvement project of and for such City, consisting of the acquisition, construction and equipping of a stadium/amphitheater; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing

disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; otherwise providing with respect to the issuance, sale and delivery of such bonds and notes; and amending Resolution No. 35636-110501 to provide for the sale of the bonds authorized for issuance hereunder together with bonds authorized for sale pursuant to such Resolution No. 35636-110501.

(For full text of Resolution, see Resolution Book No. 65, page 395.)

Mr. Carder moved the adoption of Resolution No. 35736-012202. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter; whereupon, Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired if the stadium/amphitheater referred to in the proposed resolution pertains to the stadium which is to be constructed north of Orange Avenue, N. W. She also inquired as to whether Council's proposed action would benefit private enterprise, and, if so, has the private enterprise entity been identified by the City.

No other persons wishing to address Council, Resolution No. 35736-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

**PURCHASE/SALE OF PROPERTY-CITY PROPERTY-FLOOD REDUCTION/CONTROL:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal to convey, by exchange, portions of City-owned property, identified as Official Tax Nos. 4030602 and 4030604, which are vacant lots located on Piedmont Street, S. E., to the adjoining property owners for necessary property rights, in connection with the Roanoke River Flood Reduction Project, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, January 13, 2002, and in The Roanoke Tribune on Thursday, January 17, 2002.

A communication from the City Manager advising that the Roanoke River Flood Reduction Project was proposed by the U. S. Army Corps of Engineers in 1984, and approved by voter referendum on April 11, 1989; as part of the Local Cooperation Agreement between the City and the Corps of Engineers for design and construction, the City is required to acquire all necessary property rights; negotiations with three property owners on Piedmont Street have led to a proposal to subdivide two City-owned parcels of land identified as Official Tax Nos. 4030602 and 4030604, to enable portions of the land to be conveyed to each of the adjoining property owners as part of the consideration for the property to be acquired by the City and remaining lot residuals have no real value to the City but enhance the property of adjoining property owners, was before Council.

The City Manager recommended, following the public hearing, that she be authorized to execute the subdivision plat and appropriate documents to convey the subject property to the adjoining property owners as part of the consideration for property to be acquired from three property owners, relative to the Roanoke River Flood Reduction Project, with all documents to be approved as to form by the City Attorney.

Mr. Bestpitch offered the following ordinance:

(#35737-012202) AN ORDINANCE authorizing the execution of a subdivision plat and the conveyance of City-owned property in connection with the acquisition of property for the Roanoke River Flood Reduction Project, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 409.)

Mr. Bestpitch moved the adoption of Ordinance No. 35737-012202. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Resolution No. 35737-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

ARCHITECTURAL REVIEW BOARD-CHURCHES: The Architectural Review



Board, on November 8 and December 13, 2001, having heard a request on behalf of Calvary Baptist Church for demolition of structures located at 503 Sixth Street, S. W., Official Tax Nos. 1113304 and 1113318, and having denied the request, an appeal of the decision of the Architectural Review Board, submitted by Calvary Baptist Church, pursuant to Section 36.1-622(d), Code of the City of Roanoke (1979), as amended, was before Council.

The Architectural Review Board submitted a written report advising that Section 36.1-348 of the Code of the City of Roanoke (1979), as amended, contains specific requirements, for permitting demolition in an H-2, Neighborhood Preservation District; i. e.:

- (a) Loss of the structure would not be adverse to the district or to the public interest by virtue of its uniqueness or its significance to the district;
- (b) Demolition would not have an adverse impact on the character and surrounding environment of the district; and
- (c) Where demolition is in conjunction with a proposed new use of the site, such use satisfies the intent and standards of the H-2 district.

The Architectural Review Board advised that it was unable to make the above findings and therefore could not approve the request of Calvary Baptist Church; the Board was of the opinion that loss of the structure would be adverse to the district by virtue of its uniqueness and its significance to the district, and demolition would have an adverse effect on the character and surrounding environment of the district.

It was further advised that the Church, if aggrieved by the decision of the Architectural Review Board, could appeal the decision, pursuant to Section 36.1-622(d) of the Code of the City of Roanoke, (1979), as amended, within 30 calendar days after a decision is rendered by the Architectural Review Board.

The Reverend Donna H. Britt, Pastor, Calvary Baptist Church, advised of the need for convenient and appropriate parking; and, in planning for the future, the Church engaged the services of a consultant to study parking needs. She stated that without the type of parking amenities that today's drivers desire and expect, the Church will not grow because today's drivers, both young and old, expect close proximity and a sense of safety, neither of which currently exist at Calvary Baptist Church. She further stated that on three occasions during the past few decades, the congregation has considered the question of moving from its current location, but for various reasons chose to remain at its present site; however, as the congregation ages, many of whom are elderly and in need of more convenient parking, they have

reached the point where parking is a paramount consideration. She explained that while the City has proposed an alternative plan to save a portion of one of the buildings in question, the plan would increase the cost to the Church by thousands of dollars. She presented letters of support of the request of the Church from the Jefferson Center, Scottish Rite Masonry, The Kazim Shrine Temple and the League of Older Americans Area Agency on Aging.

**Robert N. Richert, 415 Allison Avenue, S. W., encouraged Council to affirm the decision of the Architectural Review Board, and stated that approximately one-half of the nine City blocks between Calvary Baptist Church property and 3<sup>rd</sup> Street is currently surface parking. He asked that Council avoid the myopia that allows individual decisions to be inconsistent with the larger vision of the City, and noted that whenever Council approves various types of plans such as Vision 2001, historic district guidelines, zoning issues, etc., certain expectations are created and when those expectations are not met, citizens become frustrated and lose confidence in the City. He stated that what is at risk is not parking for Calvary Baptist Church, but the integrity of Roanoke City government; it is known that a compromise can be worked out that will, in large part if not entirely, meet the needs of the Church; however, if the community loses confidence in Roanoke City government's willingness to follow through on its commitments, the expectations of citizens will change dramatically and the City is already on the cusp of that change.**

**John W. Urquhart, 3773 Buckingham Drive, S. W., member, Calvary Baptist Church, Chairman of the Board of Deacons, advised that parking pressures exist at and around the Church, with the majority of parking availability being contingent on the generosity of neighbors and on street parking. He stated that Calvary Baptist Church has negotiated with the owners of the two buildings for quite some time and the congregation took a leap of faith in May 2001 when it voted to acquire the land for surface parking. He added that the buildings have been vacant for the past seven years, with no sign of commercial development, therefore, the proposal of the Church offers a sensible solution to an obvious need. He explained that in recent years, the congregation has aged and the importance of parking has increased, especially the need for handicapped parking and safety of the congregation; and according to Police Department records, there have been 213 police calls during the past six months within a 750 foot radius of the Church. He advised that Calvary Baptist Church has served as an anchor in the neighborhood since 1891 and, today, it is important for the Church to grow both internally and externally, in order to remain vibrant. He explained that the strategic plan of the Church calls for a vision to utilize the physical plant in order to partner for a possible day care, tutoring services, after school programs and support meetings; and the Church must partner with other groups and agencies in the area to provide assistance to its neighbors on Marshall Avenue, Day Avenue and Elm Avenue. He requested that Council approve the appeal of Calvary Baptist Church for demolition of the two structures to provide for surface parking which will ensure the continuation of vitality and growth for the Church.**

**Robert B. Manetta, Chair, Architectural Review Board, presented a report of the Board recommending that Council affirm the Board's decision to deny the issuance of a Certificate of Appropriateness.**

He advised that the building known as the “Dye Plant” was built circa 1930 and was associated with operation of the Cotton Mill; a second building proposed for demolition is known as the “Antrim Motors” Building (circa 1920) and once housed an auto sales business; both buildings front on Sixth Street and are physically attached to the Cotton Mill building; the Antrim Motors building has a unique facade that features raised brick and diamond-patterned tile accents, three large bays and six, second-story windows that are bricked in; the building also has a unique architectural roof that is reflected in the facade; the original building extends about 100' deep into the lot and is structurally sound; and the Dye Plant building is brick with a plain facade, except for large, glass block windows. He noted that the Church indicates that the structural condition of the building is poor because chemicals and moisture from the dyeing process have deteriorated the beams; and a brick addition was constructed on the rear of the Antrim Motors building which wraps around the rear of the Dye Plant building.

He explained that as a part of its application, Calvary Baptist Church submitted a plan showing 47 standard parking spaces and seven handicap parking spaces and a covered drop-off would be attached to the rear of the Church and extend over the private street.

Mr. Manetta advised that discussion by the Architectural Review Board indicated that the majority of its members believe that loss of the structures would have an adverse impact on the character of the historic district; and discussion also indicated that the major concern was loss of the Antrim Motors building, which is clearly the more architecturally significant of the two buildings.

David Nixon, 920 Welton Avenue, S. W., Attorney, representing Calvary Baptist Church, and a member of the Church, advised that Council has the discretion to grant the request to demolish the two buildings; however, an argument has been made that Council has little discretion in this regard because one of the two buildings has been designated as a contributing building to the historic district. He stated that the argument has been made that if a building is a contributing structure, there is little that Council can do to authorize its demolition unless there are no other alternatives; however, this statement is incorrect because the words contributing or non contributing are not included in City ordinances, yet some of the buildings in the historic district are deemed contributing and non contributing; and the designation is not made by City Council, but by the National Register of Historic Places. He stated that City ordinances provide no special protection to buildings that have been designated as contributing buildings and the pertinent ordinance sites three considerations, the pertinent consideration being whether or not the loss of the structure would be adverse to the district or to the public interest by virtue of its uniqueness or its significance to the district. He explained that the Architectural Review Board takes the position that since the National Register of Historic Places

has designated the building as contributing to the historic district, it must have uniqueness or significance to the historic district, such designation by the National Register of Historic Places is not binding on City Council, and Council can determine that the Antrim Motors Building is not a contributing structure. He stated that the second building that the Architectural Review Board and City Planners have determined could be demolished is the Dye Plant next to the Antrim Motors building, with the argument that the building is a non contributing structure; however, the Antrim Motors building cannot be demolished because it is a contributing structure, as determined by the National Register of Historic Places. Therefore, he stated that the compromise offered by City Planners and the Architectural Review Board involves demolishing a contributing structure.

Dr. Harry Y. Gamble, 3431 Overbrook Drive, S. W., former Pastor of Calvary Baptist Church, advised that propelling the request presently before Council is the steadfast effort of the Church to create a new future for itself and, to the extent possible, to improve the surrounding landscape. He stated that the general area known as West End has steadily deteriorated since the mid 1960's due primarily to neglect of property, economic deprivation and an increase in transient residents, whereas, in earlier years, the area was a desirable place to live; and Calvary Baptist Church and its neighboring churches farther west have been the focus of worship for West End residents, as well as others who reside in various parts of the City. He further stated that the building to the rear of the Church and across the street has been unoccupied for many years and shows signs of neglect; and the building has no valid historical significance. He explained that from the standpoint of the Church, its growth, viability and influence are diminished unless additional parking spaces are acquired as close as possible to the Church proper. He advised that it is appropriate to take into consideration the fact that the largest architectural firm in the City of Roanoke has consistently cited Calvary Baptist Church as representing the most classic example of Doric architecture of any building in the City; and as such, the Church is not only a familiar landmark, but a cultural asset to the City. In closing, he advised that the question is: which building does Council deem most worthy of preserving?

Megan McClure, 54 Walnut Avenue, S. W., a member of Calvary Baptist Church, called attention to instances when members must park as far away as two blocks and walk to the Church in inclement weather. She expressed concern regarding safety issues for youth and senior Church members, and advised that more people would attend church services if the request of Calvary Baptist Church for additional parking is approved.

Chris Craft, 1501 East Gate Avenue, N. E., advised that if Council denies the request of Calvary Baptist Church, it will, in effect, place a cap on God. He stated that he attends Parkway Wesleyan Church which did not have sufficient parking

amenities and the Church chose to move to a larger location. He added that Calvary Baptist Church does not want to move out of downtown Roanoke, but, by the same token, its congregation does not want to park three to four blocks away from the Church location.

Michael Trail, 3403 Troxell Road, S. E., a member of Calvary Baptist Church, called attention to parking agreements with The Kazim Shrine Temple and the League of Older Americans in which Church members are permitted to use their parking areas; however, parking is still limited with only a few spaces designated for handicapped individuals, and if the request of Calvary Baptist Church is granted, the new parking area will provide enhanced accessibility to the Church building. He added that the Church has been called upon to be a visible and viable component of the community, and its ministry will be enhanced if additional parking is provided. Because of problems associated with the lack of parking, he stated that it is a struggle for him as a handicapped individual to attend church; however, his love of God and his Church help him to endure these obstacles. He advised that Council has an opportunity to demonstrate its support for Calvary Baptist Church and its ministry to the neighborhood by rendering a favorable decision on the appeal filed by the Church to the decision of the Architectural Review Board.

D. Kent Chrisman, 2319 Avenham Avenue, S., W., advised that as a member of the City Planning Commission, he would urge that Council affirm the decision of the Architectural Review Board. He stated that if Council finds itself in a position where it is uncomfortable with decisions rendered by the Architectural Review Board and if Council believes that the Board is not representing the best interest of citizens as a whole, it is then incumbent upon Council to not reappoint Board members. He added that the proposal of the Church is not supported by the Comprehensive Plan, the proposal does not support economic development of the City by taking advantage of available tax credits for historic structures, which tax credits would bring new dollars into the City's economy, the proposal does not encourage pedestrian activity which is cited in the Comprehensive Plan, and the proposal does not encourage new residential housing in the City. He explained that if the matter were being considered by the City Planning Commission, the Planning Commission would insist that it be discussed and negotiated with the proper neighborhood association to determine if a positive resolution could be achieved, and if the parties could not resolve their issues, the City Planning Commission would table or refer the matter to another body. He encouraged Council to refer the matter back to the Architectural Review Board for further consideration, with the goal of reaching a peaceful and positive solution.

Mark McConnell, 546 Camilla Avenue, S. E., Chair, Roanoke Arts Commission, requested that Council take into consideration what it will mean to every Council appointed board and commission if Council over rules the decision of the

**Architectural Review Board. He stated that the buildings in question are contributing structures to the historic district; and the fact that the Architectural Review Board has stated that a contributing building could be demolished is unprecedented. He advised that no worthwhile cause was ever derailed for the lack of a few dozen parking spaces, and encouraged Council to affirm the decision of the Architectural Review Board.**

**Murray A. Stoller, 2907 Oakcrest Avenue, S. W., a member of Calvary Baptist Church since 1948, advised that it is in the best interest of the City to permit the demolition of the buildings. He stated that Calvary Baptist Church is 110 years old; after a disastrous fire in 1950 and other fires, one of which was arson, the Church voted to remain in its current location, believing that its presence helped to anchor the neighborhood and serve as an influence for good. He further stated that the Church has renewed its loyalty to the current location and continues to believe that maintenance of the Church in the central area of the City is not only necessary, but a grounding force for the neighborhood. He advised that the Church believes in good government, quality education, and being a good neighbor; however, having spent a large amount of time, effort and money on the project, the suggested alternative of the Architectural Review Board does not meet the needs of the Church for parking near the main entrance, nor can the Church afford the suggested alternative. He stated that it would be tragic to endanger the good work of Calvary Baptist Church to preserve a building that no longer has historical significance.**

**Nick Glennon, 7628 Countrywood Drive, S. W., Co-owner of the building and property located at 503 Sixth Street, S. W., advised that his company invested in downtown Roanoke for over a decade by providing jobs until the domestic textile business failed, then, as opposed to abandoning the property, they persevered and paid taxes to the City, while promoting an opportunity for a vision of revitalization for the neighborhood, which vision now appears to have sustenance. He stated that during the past decade, Calvary Baptist Church has made a significant investment in the neighborhood, while maintaining a commitment and making a contribution when others were reluctant to do so. He requested that Council support the investment by the Church to secure its future in downtown Roanoke by over ruling the decision of the Architectural Review Board.**

**Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that she is an advocate of preservation; however, based upon discussions at the 2:00 p.m., Council session with regard to the future of the current Roanoke Academy of Mathematics and Science in relation to its possible demolition, she stands in support of the request of Calvary Baptist Church to demolish the two structures. She stated that if the City can approve separating a community (Gainsboro), the very first community in Roanoke City, by building a four lane highway to provide a loop for downtown Roanoke ingress and egress by motorists, Council can support the continuation of a religious**

institution in an area of the City where it is needed. She noted that there is a great deal of surface parking throughout the City of Roanoke which should be discontinued, however, in the case of Calvary Baptist Church, it is a worthwhile cause despite historic preservation. She asked that Council support the request of Calvary Baptist Church or remand the matter back to the Architectural Review Board and the City Planning Commission for further study.



**Bruce Munsey, 523 Woods Avenue, S. W., President, Old Southwest, Inc., advised that the future is based upon the past and if older buildings had been demolished, Old Southwest, in its present form, would not exist today. He stated that at one time, Woods Avenue was not a safe place to live or visit, but it is now a viable neighborhood, as is King George Avenue, Janette Avenue, Allison Avenue, Walnut Avenue, and the area around Highland Park. He asked that Council review the request and remand the matter back to the Architectural Review Board which is charged with making a decision.**

**Lori Evans, 602 Walnut Avenue, S. W., requested that Council affirm the decision of the Architectural Review Board, with the goal of reaching a solution that meets both the needs of the Church, the neighborhood, and the City of Roanoke. She advised that if a group of concerned citizens had not saved the old southwest neighborhood, it is possible that Calvary Baptist Church would not be in its present location today.**

**Fredrick (Rick) Williams, 3725 Sunrise Avenue N. W., former Chair, Transportation and Infrastructure Task Team and the Streetscape Round Table for Vision 2001, advised that during the process of working on the Comprehensive Plan, the topic of parking came up independently in various task teams. He stated that the Comprehensive Plan emphasizes on street parking, discourages the proliferation of surface parking, encourages the location of parking behind buildings and access by way of alleys, and condemns the demolition of buildings to provide surface parking. He added that the Comprehensive Plan is clear about the issue, the Architectural Review Board decided the issue proper based on the City's Comprehensive Plan, and the Board balanced the interest of all parties and proposed a good compromise. He encouraged Council to affirm the decision of the Architectural Review Board, because overruling the Board will invite more cynicism which is already pervasive in certain quarters of the City as it relates to the City's willingness to take seriously and to abide by the plans that it makes and approves. If a decision cannot be made this evening, he suggested that the matter be remanded back to the Architectural Review Board for further consideration and compromise.**

**James Armstrong, 619 Highland Avenue, S. W., advised that the City of Roanoke has an abundance of parking according to a report prepared by Urban Design Associates. He stated that once an area is paved for surface parking, it is next to impossible to do anything further with the property, because parking lots rarely convert to any other use for decades. He stated that his second concern is procedural in nature; whereupon, he advised that he has lived in the old southwest area for a number of years and has tried to comply with Architectural Review Board guidelines by working with Architectural Review Board staff to ensure that changes**

to his property are consistent with Architectural Review Board requirements, while, at the same time, he has observed more powerful institutions, professional partnerships and businesses in old southwest appear to do what they please. Therefore, he advised that his question is: why should he continue to respect the kinds of regulations that exist in the historic district when others do not comply. He asked that the request of the Church be considered in the overall context of the matter.

Christopher Chittum, Secretary, Architectural Review Board, reviewed a proposed compromise which includes a site plan prepared by City Planning staff that would provide 54 parking spaces and preserve the original portion of the Antrim Motors building.

Following discussion by Council, and upon consideration of the Architectural Review Board's letter dated January 22, 2002, to the Members of Council and the information received at the Council meeting on January 22, 2002, Mr. Harris moved that Council reverse the decision of the Architectural Review Board on December 13, 2001, and that a Certificate of Appropriateness be issued for the demolition of structures located at 503 Sixth Street, S. W., on the grounds that loss of the structures would not be adverse to the district and the public interest by virtue of their uniqueness and significance to the district, demolition of the structures would have no adverse effect on the character and surrounding environment of the district, and the proposed new use satisfies the intent and standards of the H-2, Neighborhood Historic District, with the understanding that erection of any structures in connection with such new use will require the issuance of an additional Certificate of Appropriateness, and with the further understanding that parking design as proffered by Calvary Baptist Church with regard to landscaping will be included. The motion was seconded by Mr. Hudson.

Based upon consideration of the Architectural Review Board's letter dated January 22, 2002, and the information presented at the Council meeting on January 22, 2002, Mr. Bestpitch offered a substitute motion that the decision of the Architectural Review Board be modified and that a Certificate of Appropriateness be issued for the demolition of a certain structure located at 503 Sixth Street, S. W., but not the structure located on Tax Map No. 1113304 which fronts on Sixth Street, S. W., as shown on Attachment C provided to City Council, on the grounds that loss of the structure which fronts on Sixth Street and which is shown as remaining in Attachment C would be adverse to the district and the public interest by virtue of its uniqueness and significance to the district, that demolition of the structure would have an adverse effect on the character and surrounding environment of the district, and the proposed new use, with respect to that structure only, does not satisfy the

intent and standards of the H-2, Neighborhood Historic District, but loss of the other structure sought to be demolished in the application would not be adverse to the district and the public interest by virtue of its uniqueness and significance to the district, demolition of the structure would have no adverse effect on the character and surrounding environment of the district and the proposed new use with respect to that structure satisfies the intent and standards of the H-2, Neighborhood Historic District, with the understanding that erection of any structures in connection with such new use will require the issuance of an additional Certificate of Appropriateness. The substitute motion was seconded by Mr. Carder and lost by the following vote:

**AYES: Council Members Bestpitch and Carder-----2.**

**NAYS: Council Members Harris, Wyatt, Hudson, White and Mayor Smith-----5.**

The main motion was adopted by the following vote:

**AYES: Council Members Harris, Wyatt, Hudson, White and Mayor Smith-----5.**

**NAYS: Council Members Bestpitch and Carder-----2.**

At this point, the Mayor advised that RVTV Channel 3 coverage of the City Council meeting would conclude.

**HEARINGS OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; it is a time for informal dialogue between citizens and Council Members, and matters requiring referral to the City Manager will be referred immediately for response, report or recommendation to Council.

**COMPLAINTS:** Mr. Robert E. Gravely, 1617 Hanover Avenue, N. W., addressed Council with regard to various issues of concern; i.e.: wages for City employees, the plight of disadvantaged citizens, and housing issues.

**COUNCIL:** With respect to the Closed Meeting which was held following dinner at 5:00 p.m., and previously approved by Council, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES: Council Members Bestpitch, Harris, Carder, Hudson, White,**

and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt abstained from voting inasmuch as she was not present for the Closed Session.)

There being no further business, the Mayor declared the meeting adjourned at 9:35 p.m.

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

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**Ralph K. Smith**  
**Mayor**